



1995 SENATE BILL 370

October 10, 1995 - Introduced by JOINT LEGISLATIVE COUNCIL. Referred to Joint survey committee on Tax Exemptions.

1 **AN ACT** *to repeal* 71.61 (2); *to renumber* 91.55 (3); *to renumber and amend*
2 91.78; *to amend* 20.115 (7) (g), 20.835 (2) (dm), 66.021 (11) (title) and (a), 66.021
3 (11) (b), 66.021 (11) (c) (intro.), 66.021 (11) (d), 71.05 (6) (a) 17., 71.58 (8), 71.59
4 (1) (a), 71.59 (1) (d) 5. and (2) (b) and (c), 71.60 (title), (1) (intro.) and (2), 91.06,
5 91.19 (7) and (8), 91.21 (1), 91.51, 91.55 (1) (b), 91.63, 91.73 (2), 91.75 (8) (b),
6 92.104 (5), 92.105 (6), 92.14 (3) (intro.), 144.04 (1), 236.11 (2), 236.12 (3), 236.12
7 (6), 301.046 (1), 301.048 (4) (b) and 301.16 (2); and *to create* 20.835 (2) (r),
8 32.036, 66.021 (11) (d), 71.05 (6) (b) 22., 71.07 (3m) (e), 71.26 (1) (i), 71.28 (2m)
9 (e), 71.47 (2m) (e), 71.58 (1) (h), 71.605, 91.25, 91.52, 91.55 (1m) (intro.) and (a),
10 91.72, 91.75 (10), 91.77 (1) (d), 91.77 (1) (e), 91.78 (2), 92.14 (3e), 145.19 (7),
11 147.25 (9) and 236.13 (1) (bm) of the statutes; **relating to:** eliminating
12 farmland preservation agreements, modifying the requirement to repay
13 farmland preservation credits, converting the farmland preservation credit to
14 a straight percentage of property taxes accrued, terminating the farmland tax
15 relief credit, creating guidelines for the designation of agricultural
16 preservation areas by counties, creating guidelines for the rezoning of land in
17 an exclusive agricultural zone to residential use, making conformance with

1 certified county agricultural preservation plans a condition in certain land use
2 decisions, granting rule-making authority and making appropriations.

Analysis by the Legislative Reference Bureau

This bill is explained in the NOTES provided by the joint legislative council in the bill.

This bill will be referred to the joint survey committee on tax exemptions for a detailed analysis, which will be printed as an appendix to this bill.

For further information see the ***state and local*** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

PREFATORY NOTE: This bill contains the recommendations of the joint legislative council's special committee on protection of rural resources. The special committee was directed by the joint legislative council to evaluate and make recommendations to enhance the effectiveness of the farmland preservation program in retaining land in agricultural use.

This bill contains a variety of proposals for modifications to the farmland preservation program, including the following key provisions:

1. Elimination of farmland preservation agreements as a farmland preservation tool and a method for landowners to obtain farmland preservation credits.
2. Reduction from 10 to 5 the number of years for which farmland preservation credits must be repaid when a farmland preservation agreement is relinquished or when farmland is no longer protected under exclusive agricultural zoning.
3. Conversion of the farmland preservation credit from an income-based formula to a straight percentage of property taxes accrued, with a \$7,500 cap on the maximum amount of the credit.
4. Repeal of the farmland tax relief credit.
5. Creation of guidelines for the designation of agricultural preservation areas by counties and for the rezoning of land in an exclusive agricultural zone to residential use.
6. Establishment of linkages between county agricultural preservation plans and other current statutes with land use implications, including subdivision plat approval, sewer extensions, land condominiums, annexation and condemnation of land.

For detailed information about the provisions of this bill, see the NOTES throughout the bill.

3 **SECTION 1.** 20.115 (7) (g) of the statutes is amended to read:

4 20.115 (7) (g) (title) *Agricultural impact statements* *Effect of condemnation on*
5 *farm operators.* All moneys received by the department under s. 32.035 from the
6 preparation of agricultural impact statements and under s. 32.036 from determining

1 whether condemnation conforms with county agricultural preservation plans, for
2 general program operations.

NOTE: Allows the department of agriculture, trade and consumer protection (DATCP) to expend the fees collected for review of condemnation actions, in order to determine conformity with county agricultural preservation plans.

3 **SECTION 2.** 20.835 (2) (dm) of the statutes is amended to read:

4 20.835 (2) (dm) (title) *Farmland preservation credit supplement*. A sum
5 sufficient to pay the aggregate claims approved under subch. IX of ch. 71 that exceed
6 the amount appropriated under par. (r).

7 **SECTION 3.** 20.835 (2) (r) of the statutes is created to read:

8 20.835 (2) (r) *Farmland preservation credit*. From the lottery fund, a sum
9 sufficient, not to exceed, in a fiscal year, \$16,300,000, less the amounts expended
10 under par. (q) in that fiscal year, to pay the aggregate claims approved under subch.
11 IX of ch. 71.

NOTE: Transfers the funding for the farmland tax relief credit, which is terminated under this bill, except for payments to persons who refile their tax returns, to fund the farmland preservation credit. The farmland tax relief credit is funded by a sum sufficient appropriation from the lottery fund, and in fiscal year 1994-95 the amount estimated for this credit was \$16,300,000. This bill makes an appropriation from the lottery fund with a cap of \$16,300,000, to first fund any payments for refilers for the farmland tax relief credit, with the remainder to fund the farmland preservation credit. The remainder of the funding for the farmland preservation credit is a sum sufficient appropriation from the general fund, as under current law.

12 **SECTION 4.** 32.036 of the statutes is created to read:

13 **32.036 Conformity with county agricultural preservation plan. (1)**

14 DEFINITIONS. In this section:

15 (a) "Department" means the department of agriculture, trade and consumer
16 protection.

17 (b) "Farm operation" has the meaning given in s. 32.035 (1) (b).

18 **(2) APPLICABILITY.** This section does not apply to a project located entirely
19 within the boundaries of a city or village.

1 **(3) PROCEDURE.** The condemnor shall notify the department of any project
2 involving the actual or potential exercise of the powers of eminent domain affecting
3 a farm operation. The notice required under s. 32.035 (3) shall be considered notice
4 under this subsection. The department may require the condemnor to compile and
5 submit information about an affected farm operation. The department shall charge
6 the condemnor a fee approximating the actual costs of the review and determination
7 under this section.

8 **(4) REVIEW AND DETERMINATION.** The department shall review the project and
9 determine whether it conforms with any county agricultural preservation plan that
10 is certified under s. 91.06. If the department determines that the project does not
11 conform with a certified county agricultural preservation plan, the condemnor may
12 not proceed with the project unless one of the following occurs:

13 (a) The county amends the agricultural preservation plan, the land and water
14 conservation board certifies the amended plan under s. 91.06 and the department
15 determines that the project conforms with the amended plan.

16 (b) The condemnor submits a petition to the land and water conservation board
17 and the land and water conservation board determines that one or more of the
18 conditions listed in s. 91.55 (2) exist with respect to the project.

19 (c) If the project consists of the creation of or an addition to a park, the
20 condemnor submits a petition for review to the land and water conservation board
21 and the land and water conservation board determines that the project is consistent
22 with the statement of policy in the county agricultural preservation plan as required
23 under s. 91.55 (1) (a).

1 **(5) PREPARATION TIME.** The department shall complete the review and
2 determination under this section within 60 days after receiving the information
3 requested from the condemnor under sub. (3).

NOTE: Requires the DATCP to review each project involving the actual or potential exercise of the powers of eminent domain and affecting a farm operation, to determine whether the project is in conformance with the applicable county agricultural preservation plan. A "condemnor" is any entity with the power of eminent domain, and includes state agencies, general purpose local units of government, special purpose districts and public utilities.

If the DATCP determines that the project is not in conformance with a county agricultural preservation plan, the condemnor may either seek to have the county plan amended or petition the land and water conservation board (LWCB) for a determination regarding the existence of any of the conditions in s. 91.55 (2) for excluding land from a county agricultural preservation plan. The conditions for excluding land from a county agricultural preservation plan are as follows:

1. Existing or planned activities adjacent to the identified agricultural area are incompatible with agricultural use.
2. The area is not economically viable for agricultural use.
3. Substantial urban growth in the area or planned urban expansion has created a public need to convert agricultural land use to other uses.
4. Maintenance of the area in agricultural use is not consistent with the goals and objectives of a county agricultural preservation plan.

If the project consists of a new or expanded park, and the project is not in conformance with the county agricultural preservation plan, the condemnor may petition the LWCB for approval of the project. The LWCB may approve the project if it is consistent with the general statements of policy in the county agricultural preservation plan, even though the project may not conform with the specific requirements of the plan.

4 **SECTION 5.** 66.021 (11) (title) and (a) of the statutes are amended to read:

5 **66.021 (11)** (title) REVIEW AND APPROVAL OF ANNEXATIONS. (a) (title) *Annexations*
6 *within populous counties* Notice of annexation. No annexation proceeding within a
7 county having a population of 50,000 or more shall be valid unless the person causing
8 a notice of annexation to be published under sub. (3) shall within 5 days of the
9 publication mail a copy of the notice, legal description and a scale map of the proposed
10 annexation to the clerk of each municipality affected and the department of
11 administration.

12 (b) (title) Review of annexations within populous counties. The department of
13 administration may, within 20 days after receipt of the notice under par. (a)
14 regarding an annexation proceeding within a county having a population of 50,000

1 or more, mail to the clerk of the town within which the territory lies and to the clerk
2 of the proposed annexing village or city a notice that in its opinion the annexation
3 is against the public interest. No later than 10 days after mailing the notice, the
4 department shall advise the clerk of the town in which the territory is located and
5 the clerk of the village or city to which the annexation is proposed of the reasons the
6 annexation is against the public interest ~~as defined, as that term is used in par. (c).~~
7 The annexing municipality shall review the advice before final action is taken.

8 **SECTION 6.** 66.021 (11) (b) of the statutes, as affected by 1995 Wisconsin Act
9 (this act), is amended to read:

10 66.021 (11) (b) *Review of annexations within populous counties.* The
11 department of ~~administration~~ development may, within 20 days after receipt of the
12 notice under par. (a) regarding an annexation proceeding within a county having a
13 population of 50,000 or more, mail to the clerk of the town within which the territory
14 lies and to the clerk of the proposed annexing village or city a notice that in its opinion
15 the annexation is against the public interest. No later than 10 days after mailing the
16 notice, the department shall advise the clerk of the town in which the territory is
17 located and the clerk of the village or city to which the annexation is proposed of the
18 reasons the annexation is against the public interest, as that term is used in par. (c).
19 The annexing municipality shall review the advice before final action is taken.

20 **SECTION 7.** 66.021 (11) (c) (intro.) of the statutes is amended to read:

21 66.021 (11) (c) *Definition of public interest.* (intro.) For purposes of this
22 ~~subsection~~ par. (b), the public interest is determined by the department of
23 administration after consideration of the following:

24 **SECTION 8.** 66.021 (11) (d) of the statutes is created to read:

1 66.021 (11) (d) *Approval of annexations.* The department of administration
2 shall, within 20 days after receipt of the notice under par. (a), mail to the clerk of the
3 town within which the territory lies and to the clerk of the proposed annexing village
4 or city a notice as to whether in the department's opinion the annexation conforms
5 with a county agricultural preservation plan that is certified under s. 91.06. The
6 department shall determine whether the annexation of territory located in any
7 transition area of a county agricultural preservation plan conforms with the county
8 agricultural preservation plan. No later than 10 days after mailing the notice, the
9 department shall advise the clerk of the town in which the territory is located and
10 the clerk of the village or city to which the annexation is proposed of the reasons that
11 the annexation does or does not conform with the county agricultural preservation
12 plan. If the department determines that the annexation does not conform with the
13 county agricultural preservation plan, the city or village may not proceed with the
14 annexation.

15 **SECTION 9.** 66.021 (11) (d) of the statutes, as affected by 1995 Wisconsin Act
16 (this act), is amended to read:

17 66.021 (11) (d) *Approval of annexations.* The department of administration
18 development shall, within 20 days after receipt of the notice under par. (a), mail to
19 the clerk of the town within which the territory lies and to the clerk of the proposed
20 annexing village or city a notice as to whether in the department's opinion the
21 annexation conforms with a county agricultural preservation plan that is certified
22 under s. 91.06. The department shall determine whether the annexation of territory
23 located in any transition area of a county agricultural preservation plan conforms
24 with the county agricultural preservation plan. No later than 10 days after mailing
25 the notice, the department shall advise the clerk of the town in which the territory

1 is located and the clerk of the village or city to which the annexation is proposed of
2 the reasons that the annexation does or does not conform with the county
3 agricultural preservation plan. If the department determines that the annexation
4 does not conform with the county agricultural preservation plan, the city or village
5 may not proceed with the annexation.

NOTE: The preceding 5 SECTIONS direct the department of administration (DOA) to review all annexations and determine whether the annexations conform with the certified county agricultural preservation plan. A determination that an annexation does not conform with the county plan means that the city or village may not proceed with the annexation, unless the county amends the agricultural preservation plan, and the amendment is approved by the LWCB. SECTIONS 6 and 9 transfer this function to the department of development effective July 1, 1996, in accordance with the reorganization of state government accomplished by 1995 Wisconsin Act 27.

6 **SECTION 10.** 71.05 (6) (a) 17. of the statutes is amended to read:

7 71.05 (6) (a) 17. The amount received under s. 71.07 (3m) (c) ~~or 71.60, or both,~~
8 that is not included in federal adjusted gross income.

NOTE: This SECTION and SECTIONS 11, 13 and 22 exclude farmland preservation credits from the calculation of income for purposes of income and franchise taxes.

9 **SECTION 11.** 71.05 (6) (b) 22. of the statutes is created to read:

10 71.05 (6) (b) 22. All amounts received as a farmland preservation credit under
11 subch. IX to the extent that the amounts are included in federal adjusted gross
12 income.

13 **SECTION 12.** 71.07 (3m) (e) of the statutes is created to read:

14 71.07 (3m) (e) *Sunset.* No claim may be filed under this subsection for a taxable
15 year that begins on or after January 1, 1996.

NOTE: This SECTION and SECTIONS 14 and 15 end the filing of new claims under the farmland tax relief credit with tax returns for calendar year 1995. The farmland tax relief credit is a credit against a farmer's income taxes equal to 10% of net property taxes levied on the farmer's land, up to a maximum credit of \$1,000. The credit does not apply to taxes levied on buildings and improvements to the land. Eligible farmland must meet the same agricultural use and minimum size requirements as for the farmland preservation credit. The farmland tax relief credit is funded by the lottery fund and approximately \$16,000,000 per year is expended for this program.

16 **SECTION 13.** 71.26 (1) (i) of the statutes is created to read:

1 71.26 (1) (i) *Farmland preservation credit*. Any amount received as a farmland
2 preservation credit under subch. IX.

3 **SECTION 14.** 71.28 (2m) (e) of the statutes is created to read:

4 71.28 (2m) (e) *Sunset*. No claim may be filed under this subsection for a taxable
5 year that begins on or after January 1, 1996.

6 **SECTION 15.** 71.47 (2m) (e) of the statutes is created to read:

7 71.47 (2m) (e) *Sunset*. No claim may be filed under this subsection for a taxable
8 year that begins on or after January 1, 1996.

9 **SECTION 16.** 71.58 (1) (h) of the statutes is created to read:

10 71.58 (1) (h) For purposes of filing a claim under this subchapter, “claimant”
11 does not include a person who has transferred farmland to a new owner and who was
12 not able to provide the certification under s. 71.59 (1) (b) 2. at the time of the transfer.

NOTE: Prevents a person who is ineligible for a farmland preservation tax credit
because of outstanding property taxes due on the farmland from receiving the credit after
the outstanding taxes have been paid by a subsequent landowner, for example, in a
foreclosure proceeding or tax sale.

13 **SECTION 17.** 71.58 (8) of the statutes is amended to read:

14 71.58 (8) “Property taxes accrued” means property taxes, exclusive of special
15 assessments, delinquent interest and charges for service, levied on the farmland and
16 improvements owned by the claimant or any member of the claimant’s household in
17 any calendar year under ch. 70, less the tax credit, if any, afforded in respect of the
18 property by s. 79.10. “Property taxes accrued” shall not exceed \$6,000 for claims filed
19 under s. 71.60. If farmland is owned by a tax-option corporation, a limited liability
20 company or by 2 or more persons or entities as joint tenants, tenants in common or
21 partners or is marital property or survivorship marital property and one or more
22 such persons, entities or owners is not a member of the claimant’s household,
23 “property taxes accrued” is that part of property taxes levied on the farmland,

1 reduced by the tax credit under s. 79.10, that reflects the ownership percentage of
2 the claimant and the claimant's household. For purposes of this subsection, property
3 taxes are "levied" when the tax roll is delivered to the local treasurer for collection.
4 If farmland is sold during the calendar year of the levy the "property taxes accrued"
5 for the seller is the amount of the tax levy, reduced by the tax credit under s. 79.10,
6 prorated to each in the closing agreement pertaining to the sale of the farmland,
7 except that if the seller does not reimburse the buyer for any part of those property
8 taxes there are no "property taxes accrued" for the seller, and the "property taxes
9 accrued" for the buyer is the property taxes levied on the farmland, reduced by the
10 tax credit under s. 79.10, minus, if the seller reimburses the buyer for part of the
11 property taxes, the amount prorated to the seller in the closing agreement. With the
12 claim for credit under this subchapter, the seller shall submit a copy of the closing
13 agreement and the buyer shall submit a copy of the closing agreement and a copy of
14 the property tax bill.

NOTE: This SECTION and the following SECTION modify cross-references to conform
with the changes made by SECTIONS 20 and 21.

15 **SECTION 18.** 71.59 (1) (a) of the statutes is amended to read:

16 71.59 (1) (a) Subject to the limitations provided in this subchapter and s. 71.80
17 (3) and (3m), a claimant may claim as a credit against Wisconsin income or franchise
18 taxes otherwise due, the amount derived under s. 71.60 or 71.605. If the allowable
19 amount of claim exceeds the income or franchise taxes otherwise due on or measured
20 by the claimant's income or if there are no Wisconsin income or franchise taxes due
21 on or measured by the claimant's income, the amount of the claim not used as an
22 offset against income or franchise taxes shall be certified to the department of

1 administration for payment to the claimant by check, share draft or other draft
2 drawn on the general fund.

3 **SECTION 19.** 71.59 (1) (d) 5. and (2) (b) and (c) of the statutes are amended to
4 read:

5 71.59 (1) (d) 5. That soil and water conservation standards applicable to the
6 land are established and approved as required under s. 92.105 (1) to (3) and that no
7 notice of noncompliance is in effect under s. 92.105 (5) with respect to the claimant
8 at the ~~time the certificate is issued~~ end of the taxable year for which the claim is
9 made. A zoning authority shall not issue a zoning certificate for property for any year
10 at the end of which a notice of noncompliance under s. 92.104 (4) or 92.105 (5) is in
11 effect for the property.

12 (2) (b) If a notice of noncompliance with an applicable soil and water
13 conservation plan under s. 92.104 is in effect with respect to the claimant at the ~~time~~
14 ~~the claim is filed~~ end of the taxable year for which the claim is made.

15 (c) If a notice of noncompliance with applicable soil and water conservation
16 standards under s. 92.105 is in effect with respect to the claimant at the ~~time the~~
17 ~~claim is filed~~ end of the taxable year for which the claim is made.

NOTE: Requires that recipients of the farmland preservation tax credit be in
compliance with soil and water conservation standards at the end of the year for which
the credit is claimed, rather than at the time the claim is filed.

18 **SECTION 20.** 71.60 (title), (1) (intro.) and (2) of the statutes are amended to read:

19 **71.60 (title) Computation; farmland preservation agreements. (1)**
20 (intro.) Except as provided in sub. (2), for farmland that is subject to a farmland
21 preservation agreement under subch. II of ch. 91 at the close of the year to which the
22 claim relates, the amount of any claim filed in calendar years based upon property
23 taxes accrued in the preceding calendar year shall be determined as follows:

1 (2) If the farmland is subject to ~~a certified ordinance under subch. V of ch. 91,~~
2 ~~or an agreement under subch. II of ch. 91, in effect at the close of the year for~~ to which
3 ~~the credit is claimed~~ claim relates, the amount of the claim is 10% of the property
4 taxes accrued or the amount determined under sub. (1), whichever is greater.

NOTE: Provides that farmland preservation credits for farmland subject to farmland preservation agreements that are in effect on the effective date of this bill will continue to be calculated under the current formula.

5 **SECTION 21.** 71.605 of the statutes is created to read:

6 **71.605 Computation; exclusive agricultural zoning.** (1) For farmland
7 that, at the close of the year to which the claim relates, is in an area zoned for
8 exclusive agricultural use under subch. V of ch. 91 by a city, village, town or county
9 and is not subject to a farmland preservation agreement under subch. II of ch. 91, the
10 amount of any claim filed in a calendar year based upon property taxes accrued in
11 the preceding calendar year shall be determined as follows:

12 (a) Except as provided in par. (b), 50% of the property taxes accrued.

13 (b) If the farmland is in a transition area identified under s. 91.55 (1) (b), 25%
14 of the property taxes accrued.

15 (2) The maximum credit for a claim filed under this section is \$7,500 for each
16 claimant.

NOTE: Provides for a payment of either 50% or 25% of the property taxes on agricultural land as the means of calculating the amount of the farmland preservation credit, with a maximum credit of \$7,500. The new method of calculating farmland preservation credits begins with 1996 income tax returns for property taxes accrued in calendar year 1995. The bill provides a 50% credit for farmland that is in an area zoned by a city, village, town or county for exclusive agricultural use at the close of the calendar year, and a credit of 25% of property taxes accrued for land that is subject to exclusive agricultural zoning but that is in a transition area identified in a county agricultural preservation plan, with both amounts capped at \$7,500.

This and the preceding SECTION also specify that the amount of the farmland preservation tax credit for farmland that is subject to both a farmland preservation agreement and an exclusive agricultural zoning ordinance is either the amount for farmland subject to only an agreement or the 10% minimum credit. The intent of this provision is to create an incentive for the holders of farmland preservation agreements to relinquish the agreements when the farmland becomes subject to an exclusive

agricultural zoning ordinance, as a part of the phase-out of agreements under s. 91.25, created by this bill.

1 **SECTION 22.** 71.61 (2) of the statutes is repealed.

NOTE: Repeals the requirement that farmland preservation credits be treated as income for purposes of income and franchise taxes.

2 **SECTION 23.** 91.06 of the statutes is amended to read:

3 **91.06 Certification.** The board shall review farmland county agricultural
4 preservation plans and exclusive agricultural use zoning ordinances submitted to it
5 under ss. 91.61 and 91.78 and shall certify to the appropriate zoning authority
6 whether the plans and ordinances meet the standards of subchs. IV and V,
7 respectively. Certifications may be in whole or in part.

NOTE: Corrects terminology to correspond with the terms used in subch. IV of ch. 91.

8 **SECTION 24.** 91.19 (7) and (8) of the statutes are amended to read:

9 91.19 (7) Whenever a farmland preservation agreement is relinquished under
10 sub. (2) or (6t) or all or part of the land is released from a farmland preservation
11 agreement under sub. (2) or (6p) or a transition area agreement is relinquished under
12 sub. (2) or, subject to subs. (12) and (13), a transition area agreement is relinquished
13 under sub. (1) or (1m), the department shall cause to be prepared and recorded a lien
14 against the property formerly subject to the agreement for the total amount of all
15 credits received by all owners of such lands under subch. IX of ch. 71 during the last
16 ~~10~~ 5 years that the land was eligible for such credit, plus interest at the rate of 9.3%
17 per year compounded annually on the credits received from the time the credits were
18 received until the lien is paid for farmland preservation agreements relinquished
19 under sub. (6t) and 6% per year compounded annually on the credits received from
20 the time the credits were received until the lien is paid for other agreements. No
21 interest shall be compounded for any period during which the farmland is subject to

1 a subsequent farmland preservation agreement or transition area agreement or is
2 zoned for exclusive agricultural use under an ordinance certified under subch. V.

3 **(8)** Subject to subs. (12) and (13), upon the relinquishment of a farmland
4 preservation agreement under sub. (1) or (1m), the department shall cause to be
5 prepared and recorded a lien against the property formerly subject to the farmland
6 preservation agreement for the total amount of the credits received by all owners
7 thereof under subch. IX of ch. 71 during the last ~~10~~ 5 years that the land was eligible
8 for such credit, plus 6% interest per year compounded from the time of
9 relinquishment. No interest shall be compounded for any period during which the
10 farmland is subject to a subsequent farmland preservation agreement or transition
11 area agreement or is zoned for exclusive agricultural use under an ordinance
12 certified under subch. V.

NOTE: Reduces from 10 to 5 the number of years for which farmland preservation
credits must be repaid when a farmland preservation agreement is relinquished or when
farmland is rezoned from an exclusive agricultural use zone or land in such a zone is
granted a special exception or conditional use permit for a nonagricultural use.

13 **SECTION 25.** 91.21 (1) of the statutes is amended to read:

14 91.21 **(1)** If the owner or a successor in title of the land upon which a farmland
15 preservation agreement has been recorded under this chapter changes the use of the
16 land to a prohibited use without first acting under ss. s. 91.17 and, 91.19 or 91.25 (3)
17 or (4) and the land is not relinquished under s. 91.19 (6p) or (6t), the owner or
18 successor in title may be enjoined by the state, acting through the attorney general,
19 or by the local governing body having jurisdiction, acting through its attorney, and
20 is subject to a civil penalty for actual damages, but in no case to exceed double the
21 value of the land as established at the time the application for the agreement was
22 approved.

23 **SECTION 26.** 91.25 of the statutes is created to read:

1 **91.25 Phase-out of agreements.** (1) The department may not enter into a
2 farmland preservation agreement for land after the date for recertification of
3 exclusive agricultural zoning ordinances in the county in which the land is located,
4 as established under s. 91.78 (2).

5 (2) Notwithstanding s. 91.13 (10), a farmland preservation agreement entered
6 into after the effective date of this subsection ... [revisor inserts date], shall expire
7 no later than the date for recertification of exclusive agricultural zoning ordinances
8 in the county in which the land is located, as established under s. 91.78 (2).

9 (3) The department shall release land from a farmland preservation agreement
10 after the date for recertification of exclusive agricultural zoning ordinances in the
11 county in which the land is located, as established under s. 91.78 (2), if the owner of
12 the land so requests.

13 (4) The department shall release land that is subject to a certified exclusive
14 agricultural zoning ordinance from a farmland preservation agreement if the owner
15 of the land so requests.

NOTE: Phases out use of farmland preservation agreements by prohibiting the DATCP from entering into new agreements after and from extending existing agreements beyond a deadline date. The deadline date is the date set in proposed DATCP rules by which time counties must recertify existing exclusive agricultural zoning ordinances. The date varies for each county. This SECTION also encourages the termination of existing agreements by authorizing the DATCP to relinquish agreements under 2 circumstances: (1) after the date when no new agreements will be entered into; and (2) before that date, if the farmland subject to the agreement is also subject to an exclusive agricultural zoning ordinance. The landowner is not required to repay the credits received under agreements relinquished under this provision.

16 **SECTION 27.** 91.51 of the statutes is amended to read:

17 **91.51 (title) Purpose Planning.** ~~The purpose of this subchapter is to specify~~
18 ~~standards for county agricultural preservation plans required to enable farmland~~
19 ~~owners to enter into farmland preservation agreements under this chapter.~~
20 Agricultural preservation planning shall be undertaken in accordance with s. 59.97

1 and agricultural preservation plans shall be a component of and consistent with any
2 county development plan prepared under s. 59.97 (3).

3 **SECTION 28.** 91.52 of the statutes is created to read:

4 **91.52 Guidelines.** The department and the board shall promulgate rules
5 establishing guidelines for agricultural preservation planning. The guidelines shall
6 establish priorities for the preservation of agricultural land, recognizing regional
7 differences and the unique conditions in the various counties.

NOTE: Requires DATCP and the LWCB to promulgate rules establishing guidelines
for agricultural preservation planning. These rules will be binding on both counties, in
developing county agricultural preservation plans or plan amendments, and the LWCB,
in certifying agricultural preservation plans.

8 **SECTION 29.** 91.55 (1) (b) of the statutes is amended to read:

9 91.55 (1) (b) Maps identifying agricultural areas to be preserved, areas of
10 special environmental, natural resource or open space significance and, if any,
11 transition areas.

12 **(1m) (b)** Transition areas mapped shall be areas in predominantly agricultural
13 use which the plan identifies for future development.

14 **(c)** Any agricultural preservation areas mapped must be a minimum of 100
15 acres.

16 **(d)** Any transition areas mapped must be a minimum of 35 acres.

17 **(e)** In mapping agricultural preservation areas, the maps identifying
18 preliminary agricultural preservation areas prepared under s. 91.05 shall be
19 considered if the map is provided to the county at least 12 months prior to adoption
20 of the agricultural preservation plan.

NOTE: Renumbers the current statute regarding the maps that are part of county
agricultural preservation plans, to allow for addition of the criterion regarding
agricultural preservation areas and transition areas in the following SECTION.

21 **SECTION 30.** 91.55 (1m) (intro.) and (a) of the statutes are created to read:

1 **91.55 (1m)** (intro.) Maps prepared under sub. (1) (b) shall comply with the
2 following conditions:

3 (a) Agricultural preservation areas and transition areas shall be consistent
4 with the guidelines in rules promulgated under s. 91.52.

NOTE: Adds to the criteria for the maps included in county agricultural preservation planning. The maps must be consistent with rules promulgated by the DATCP and the LWCB under new s. 91.52, created in this bill.

5 **SECTION 31.** 91.55 (3) of the statutes is renumbered 91.55 (1) (c).

NOTE: The text of current s. 91.55 (3) is: "Statements regarding the coordination requirements of s. 91.59." There is no introductory phrase in s. 91.55 that connects with s. 91.55 (3), so it is obvious that this provision is misplaced. This provision was adopted in its present form in ch. 27, laws of 1977, and has not been amended since then. Section 91.55 (3) is renumbered as one of the requirements for agricultural preservation plans in s. 91.55 (1), consistent with s. 91.59, which requires county agricultural preservation plans to indicate how the plans compare with regional plans and to incorporate agricultural preservation plans adopted by municipalities.

6 **SECTION 32.** 91.63 of the statutes is amended to read:

7 **91.63 Revisions.** Counties shall continually review and evaluate the
8 agricultural preservation plan in light of changing needs and conditions and changes
9 to this subchapter or rules promulgated under this subchapter and shall provide for
10 periodic revision of the agricultural preservation plan set forth in this subchapter.
11 If a preliminary or final subdivision plat that requires approval under s. 236.13 does
12 not comply with a certified agricultural preservation plan, the county may not
13 approve the plat unless the agricultural preservation plan is revised so that the plat
14 is in compliance with the plan, and the revised plan is certified under s. 91.06.
15 Revisions shall be made in the same manner as adoption of the plan, including
16 submission to the board for certification under s. 91.06.

NOTE: Requires counties to modify agricultural preservation plans to reflect the guidelines under s. 91.52, as created by this bill, and any future amendments to statutes or rules related to agricultural preservation planning. Also, requires a certified plan to be revised, and the revision certified by the LWCB, as a condition of plat approval for preliminary or final subdivision plats that are not in compliance with the agricultural preservation plan.

1 **SECTION 33.** 91.72 of the statutes is created to read:

2 **91.72 Guidelines.** The department and the board shall promulgate rules
3 establishing guidelines for rezoning of agricultural land for residential uses.

NOTE: Requires DATCP and the LWCB to promulgate rules establishing guidelines for counties, cities, villages and towns to use in rezoning agricultural land zoned for exclusive agricultural use to allow residential uses. These guidelines will be in addition to the current criteria for rezoning areas zoned for exclusive agricultural use in s. 91.77 (1), which require consideration of the following:

“91.77 (1) (a) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

(b) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

(c) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.”

4 **SECTION 34.** 91.73 (2) of the statutes is amended to read:

5 **91.73 (2)** ~~Exclusive~~ An exclusive agricultural zoning ~~ordinances~~ ordinance
6 shall be consistent with a county agricultural preservation plans plan and may not
7 be certified by the board unless a county agricultural preservation plan is
8 established under subch. IV and is certified under s. 91.06. This subsection does not
9 apply in a county with a population greater than 750,000.

NOTE: Provides that the county must adopt an agricultural preservation plan in order for the LWCB to approve an exclusive agricultural preservation ordinance adopted by a city, village, town or county. An exception to this requirement is provided for Milwaukee County.

10 **SECTION 35.** 91.75 (8) (b) of the statutes is amended to read:

11 **91.75 (8) (b)** A farm family business may be permitted as a special exception
12 or conditional use under sub. (5) if limited to existing farm residences or structures
13 or portions of the existing farmstead that are not dedicated to agricultural uses. No
14 more than 2 5 persons who are not members of the resident farm family may be
15 employed in the farm family business.

NOTE: Increases from 2 to 5 the number of nonfamily employes that may be employed by a farm family business allowed as a special or conditional use on land zoned for exclusive agricultural use.

1 **SECTION 36.** 91.75 (10) of the statutes is created to read:

2 **91.75 (10)** The ordinance includes standards for rezoning of agricultural land
3 for residential uses, which are at least as stringent as the guidelines in rules
4 promulgated under s. 91.72.

NOTE: Requires exclusive agricultural zoning ordinances to include standards for rezoning to residential uses. The standards must be at least as stringent as the guidelines promulgated by the DATCP and the LWCB under s. 91.72, which is created by this bill.

5 **SECTION 37.** 91.77 (1) (d) of the statutes is created to read:

6 **91.77 (1) (d)** If the land proposed for rezoning is not served by a public sewer,
7 the rezoning conforms with a county agricultural preservation plan that applies to
8 the area and that is certified under s. 91.06.

NOTE: Creates a new condition that must be met in order for a city, village, town or county to revise a certified exclusive agricultural preservation ordinance. If the land proposed for rezoning is not served by a public sewer, the rezoning must conform with a county agricultural preservation plan that applies to the area and that is certified by the LWCB.

9 **SECTION 38.** 91.77 (1) (e) of the statutes is created to read:

10 **91.77 (1) (e)** Guidelines established by rule by the department and the board
11 under s. 91.72.

NOTE: Requires a city, village, town or county to approve petitions for rezoning areas zoned for exclusive agricultural use based, in part, on consideration of guidelines for rezoning promulgated by DATCP and the LWCB under s. 91.72, which is created by this bill.

12 **SECTION 39.** 91.78 of the statutes is renumbered 91.78 (1) and amended to read:

13 **91.78 (1)** Copies of exclusive agricultural zoning ordinances and revisions to
14 those ordinances may be submitted to the board for review and certification under
15 s. 91.06. A certification granted for an unspecified term shall expire according to the
16 recertification schedule under sub. (2). A certification granted after the effective
17 date of this subsection [revisor inserts date], shall expire on a date specified in the
18 certification but not later than 10 years after the date of certification.

NOTE: Provides that revisions to exclusive agricultural zoning ordinances may be submitted to the LWCB for review. This amendment reflects current practice and is not intended to make any substantive change in the statutes.

Also, this SECTION and the following SECTION provide that certification of an exclusive agricultural zoning ordinance will expire unless the ordinance is recertified and directs the DATCP to establish a schedule for recertification of certain ordinances.

1 **SECTION 40.** 91.78 (2) of the statutes is created to read:

2 91.78 (2) The department shall, by rule, establish a schedule, on a
3 county-by-county basis, for the recertification of exclusive agricultural zoning
4 ordinances that were certified for an unspecified term.

5 **SECTION 41.** 92.104 (5) of the statutes is amended to read:

6 92.104 (5) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland
7 preservation credit may not be allowed under subch. IX of ch. 71 if a notice of
8 noncompliance is in effect with respect to a claimant to which this section applies at
9 the ~~time the claim is filed~~ end of the taxable year for which the claim is made.

10 **SECTION 42.** 92.105 (6) of the statutes is amended to read:

11 92.105 (6) ELIGIBILITY FOR FARMLAND PRESERVATION CREDIT. A farmland
12 preservation credit may not be allowed under subch. IX of ch. 71 if a notice of
13 noncompliance is in effect with respect to a claimant to which this section applies at
14 the ~~time the claim is filed~~ end of the taxable year for which the claim is made.

NOTE: The preceding 2 SECTIONS require that recipients of the farmland preservation tax credit be in compliance with soil and water conservation standards at the end of the year for which the credit is claimed, rather than at the time the claim is filed.

15 **SECTION 43.** 92.14 (3) (intro.) of the statutes is amended to read:

16 92.14 (3) BASIC ALLOCATIONS TO COUNTIES. (intro.) To help counties meet
17 administrative and technical operating costs in their soil and water conservation
18 activities, the department shall award grants from the appropriation under s. 20.115
19 (7) (c) to any county land conservation committee which has a workload allocation
20 plan approved by the department under s. 92.08 (2), and which, by county board

1 action, has resolved to match any moneys granted under this subsection with an
2 equal amount of county moneys. The Except as provided in sub. (3e), the county shall
3 use the grant for county land conservation personnel to administer and implement
4 activities directly related to any of the following:

5 **SECTION 44.** 92.14 (3e) of the statutes is created to read:

6 92.14 (3e) BASIC ALLOCATION; TECHNICAL ASSISTANCE. A county may use a grant
7 under sub. (3) to provide technical assistance to local units of government in the
8 county in administering exclusive agricultural zoning ordinances under subch. V of
9 ch. 91.

NOTE: Allows counties to use the basic allocation portion of soil and water resource
management grants to provide technical assistance to local units of government in
administering exclusive agricultural zoning ordinances.

10 **SECTION 45.** 144.04 (1) of the statutes is amended to read:

11 144.04 (1) Except as provided under sub. (2), every owner within the time
12 prescribed by the department, shall file with the department a certified copy of
13 complete plans of a proposed system or plant or extension thereof, in scope and detail
14 satisfactory to the department, and, if required, of existing systems or plants, and
15 such other information concerning maintenance, operation and other details as the
16 department requires, including the information specified under s. 144.026 (5) (a), if
17 applicable. Material changes with a statement of the reasons shall be likewise
18 submitted. Before plans are drawn a statement concerning the improvement may
19 be made to the department and the department may, if requested, outline generally
20 what it will require. Upon receipt of such plans for approval, the department or its
21 duly authorized representative shall notify the owner of the date of receipt. Within
22 90 days from the time of receipt of complete plans or within the time specified in s.
23 144.026 (5) (c), if applicable, the department or its authorized representative shall

1 examine and take action to approve, approve conditionally or reject the plans and
2 shall state in writing any conditions of approval or reasons for rejection. Approval
3 or disapproval of such plans and specifications shall not be contingent upon
4 eligibility of such project for federal aid. The time period for review may be extended
5 by agreement with the owner if the plans and specifications cannot be reviewed
6 within the specified time limitation due to circumstances beyond the control of the
7 department or in the case of extensive installation involving expenditures of
8 \$350,000 or more. The extension shall not exceed 6 months. Failure of the
9 department or its authorized representative to act before the expiration of the time
10 period allowed for review shall constitute an approval of the plans, and upon demand
11 a written certificate of approval shall be issued. Approval may be subject to
12 modification by the department upon due notice. Construction or material change
13 shall be according to approved plans only. The department may disapprove plans
14 which are not in conformance with any existing approved areawide waste treatment
15 management plan prepared pursuant to the federal water pollution control act, P.L.
16 92-500, as amended, ~~and. The department shall disapprove plans for sewage~~
17 disposal plants, sewerage systems or extensions thereof that are not in conformance
18 with s. 147.25 (9). The department shall disapprove plans that do not meet the
19 grounds for approval specified under s. 144.026 (5) (d), if applicable. The department
20 shall require each person whose plans are approved under this section to report that
21 person's volume and rate of water withdrawal, as defined under s. 144.026 (1) (m),
22 and that person's volume and rate of water loss, as defined under s. 144.026 (1) (L),
23 if any, in the form and at the times specified by the department.

NOTE: Requires the department of natural resources (DNR) to disapprove plans for sewage disposal plants, sewerage systems or extensions thereof that do not conform with county agricultural preservation plans. A county may amend its agricultural

preservation plan and secure approval of the amended plan from the LWCB, if necessary to gain DNR approval of a sewage disposal plant, sewerage system or the extension of a plant or system.

1 **SECTION 46.** 145.19 (7) of the statutes is created to read:

2 145.19 (7) LAND CONDOMINIUMS. (a) In this subsection, “land condominium”
3 means a parcel or building site that results from the allocation of a lot, parcel or tract
4 of land into parcels or building sites, whether denominated as units or limited
5 common elements, for the purpose of sale or of building development, if any of the
6 following applies:

7 1. The act of allocation creates 5 or more parcels or building sites of 1.5 acres
8 each or less in area.

9 2. Five or more parcels or building sites of 1.5 acres each or less in area are
10 created by successive allocations within a period of 5 years.

11 (b) A governmental unit responsible for the regulation of private sewage
12 systems may not issue a sanitary permit for installation of a private sewage system
13 serving a land condominium, unless the land condominium conforms with any
14 county agricultural preservation plan that is certified under s. 91.06. This
15 paragraph does not apply to a sanitary permit issued for installation of a private
16 sewage system to replace an existing private sewage system.

NOTE: Requires the county that issues a sanitary permit for installation of a new private sewage system on a lot in a “land condominium” to determine, as a condition of issuing the sanitary permit, that the land condominium is consistent with a county agricultural preservation plan that is certified by the LWCB. A “land condominium” is a condominium that consists of individual lots that are units or limited common elements of the condominium. A buyer purchases the lot and, within the limits established by the condominium declaration, constructs a dwelling on the lot. The purpose of a land condominium is to divide land into buildable lots without conforming to the statutes and ordinances related to subdivisions.

17 **SECTION 47.** 147.25 (9) of the statutes is created to read:

18 147.25 (9) Provisions requiring conformity with any county agricultural
19 preservation plans that have been certified under s. 91.06.

NOTE: Requires that areawide waste treatment management plans prepared by or at the direction of the DNR must include provisions requiring conformity with county agricultural preservation plans that have been certified by the LWCB. The DNR is further directed by s. 144.04, as amended by this bill, to disapprove plans for sewage disposal plants, sewerage systems or extensions thereof that do not conform with agricultural preservation plans. A county may amend its agricultural preservation plan and secure approval of the amended plan from the LWCB, if necessary to gain DNR approval of a sewage plant, sewerage system or the extension of a plant or system.

1 **SECTION 48.** 236.11 (2) of the statutes is amended to read:

2 236.11 (2) (a) The body or bodies having authority to approve plats shall
3 approve or reject the final plat within 60 days of its submission, unless the time is
4 extended by agreement with the subdivider and except for review by a county for
5 compliance with the county agricultural preservation plan under s. 236.13 (1) (bm).

6 (b) When the approving authority is a municipality and determines to approve
7 the plat, it shall give at least 10 days' prior written notice of its intention to the clerk
8 of any municipality whose boundaries are within 1,000 feet of any portion of such
9 proposed plat but failure to give such notice shall not invalidate any such plat.

10 (c) If a plat is rejected, the reasons therefor shall be stated in the minutes of
11 the meeting and a copy thereof or a written statement of the reasons supplied the
12 subdivider.

13 (d) If the approving authority fails to act within 60 days and the time has not
14 been extended by agreement and if no unsatisfied objections have been filed within
15 that period, the plat shall be deemed approved, and, upon demand, a certificate to
16 that effect shall be made on the face of the plat by the clerk of the authority which
17 has failed to act. This paragraph does not apply to review by a county for compliance
18 with the county agricultural preservation plan under s. 236.13 (1) (bm).

NOTE: Creates an exception to one of the approval-by-default provisions in subdivision plat approval. Failure by the county to approve or disapprove a final subdivision plat for compliance with the county agricultural preservation plan within 60 days after submission does not constitute approval.

19 **SECTION 49.** 236.12 (3) of the statutes is amended to read:

1 236.12 (3) Within 20 days of the date of receiving the copies of the plat any
2 agency having authority to object under sub. (2) shall notify the subdivider and all
3 approving or objecting authorities of any objection based upon failure of the plat to
4 comply with the statutes or rules which its examination under sub. (2) is authorized
5 to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat
6 and return that copy to the approving authority from which it was received. The plat
7 shall not be approved or deemed approved until any objections have been satisfied.
8 If the objecting agency fails to act within the 20-day limit it shall be deemed to have
9 no objection to the plat, except that the 20-day limit does not apply to review by a
10 county for compliance with the county agricultural preservation plan under s. 236.13
11 (1) (bm). No approving authority may inscribe its approval on a plat prior to the
12 affixing of the certificates under either sub. (4) or (6).

NOTE: Creates an exception to one of the approval-by-default provisions in the procedure for subdivision plat approval. Failure by the county to approve or disapprove a final subdivision plat for compliance with the county agricultural preservation plan within 20 days after submission does not constitute approval.

13 **SECTION 50.** 236.12 (6) of the statutes is amended to read:

14 236.12 (6) In lieu of the procedure under subs. (2) to (5), the subdivider or the
15 subdivider's agent may submit the original plat to the department which shall
16 forward 2 copies to each of the agencies authorized by sub. (2) to object. The
17 department shall have the required number of copies made at the subdivider's
18 expense. Within 20 days of the date of receiving the copies of the plat any agency
19 having authority to object under sub. (2) shall notify the subdivider, and all agencies
20 having the authority to object, of any objection based upon failure of the plat to
21 comply with the statutes or rules which its examination under sub. (2) is authorized
22 to cover, or, if there is no objection, it shall so certify on the face of a copy of the plat
23 and return that copy to the department. After each agency and the department have

1 certified that they have no objection or that their objections have been satisfied, the
2 department shall so certify on the face of the plat. If an agency fails to act within 20
3 days from the date of the receipt of copies of the plat, and the department fails to act
4 within 30 days of receipt of the original plat it shall be deemed that there are no
5 objections to the plat and, upon demand, it shall be so certified on the face of the plat
6 by the department. The 20-day and 30-day limits do not apply to review by a county
7 for compliance with the county agricultural preservation plan under s. 236.13 (1)
8 (bm).

NOTE: Creates an exception to one of the approval-by-default provisions in the procedure for subdivision plat approval. Failure by the county or DATCP to approve or disapprove a final subdivision plat for compliance with the county agricultural preservation plan within the 20- and 30-day limits after submission does not constitute approval.

9 **SECTION 51.** 236.13 (1) (bm) of the statutes is created to read:

10 236.13 (1) (bm) Any county agricultural preservation plan that is certified
11 under s. 91.06.

NOTE: Requires that a preliminary or final subdivision plat must be in compliance with the county agricultural preservation plan. Plats are submitted to the county and the county makes the determination of compliance. If the plat does not comply, this bill creates a procedure for plan revision in s. 91.63, as a condition of plat approval.

12 **SECTION 52.** 301.046 (1) of the statutes is amended to read:

13 301.046 (1) INSTITUTION STATUS. The department shall establish and operate
14 a community residential confinement program as a correctional institution under
15 the charge of a superintendent. Under the program, the department shall confine
16 prisoners in their places of residence or other places designated by the department.
17 The secretary may allocate and reallocate existing and future facilities as part of the
18 institution. The institution is subject to s. 301.02 and is a state prison as defined in
19 s. 302.01. Construction or establishment of the institution shall be in compliance
20 with all state laws except ~~s.~~ ss. 32.035 and 32.036 and ch. 91. In addition to the

1 exemptions under s. 13.48 (13), construction or establishment of facilities for the
2 institution are not subject to the ordinances or regulations relating to zoning,
3 including zoning under ch. 91, of the county and municipality in which the
4 construction or establishment takes place and are exempt from inspections required
5 under s. 301.36.

6 **SECTION 53.** 301.048 (4) (b) of the statutes is amended to read:

7 301.048 (4) (b) The department shall operate the program as a correctional
8 institution. The secretary may allocate and reallocate existing and future facilities
9 as part of the institution. The institution is subject to s. 301.02 and is a state prison
10 as defined in s. 302.01. Construction or establishment of the institution shall be in
11 compliance with all state laws except s. ss. 32.035 and 32.036 and ch. 91. In addition
12 to the exemptions under s. 13.48 (13), construction or establishment of facilities for
13 the institution are not subject to the ordinances or regulations relating to zoning,
14 including zoning under ch. 91, of the county and municipality in which the
15 construction or establishment takes place and are exempt from inspections required
16 under s. 301.36.

17 **SECTION 54.** 301.16 (2) of the statutes is amended to read:

18 301.16 (2) Construction or establishment of the institutions shall be in
19 compliance with all state laws except s. ss. 32.035 and 32.036 and ch. 91.

NOTE: The previous 3 SECTIONS exempt community residential confinement facilities, intensive sanctions facilities and certain medium/maximum security institutions from the requirement to comply with county agricultural preservation plans. These facilities are currently exempted from the requirement to obtain an agricultural impact statement from the DATCP and from regulation under the farmland preservation program.

20 **SECTION 55. Nonstatutory provisions; agriculture, trade and**
21 **consumer protection.**

1 (1) COMMITTEE FOR RULE DRAFTING. The department of agriculture, trade and
2 consumer protection shall appoint a committee under section 227.13 of the statutes
3 to assist in the drafting of rules required under sections 91.52 and 91.72 of the
4 statutes, as created by this act.

NOTE: Requires the DATCP to convene an advisory committee for the purposes of drafting rules that establish guidelines for county agricultural preservation plans and for rezoning land zoned for exclusive agricultural use.

5 **SECTION 56. Initial applicability.**

6 (1) The treatment of sections 71.05 (6) (a) 17. and (b) 22., 71.26 (1) (i) and 71.61
7 (2) of the statutes first applies to taxable years beginning on January 1, 1996.

8 (2) The treatment of sections 20.835 (2) (dm) and (r), 71.58 (1) (h) and (8), 71.59
9 (1) (a) and (d) 5. and (2) (b) and (c), 71.60 (title), (1) (intro.) and (2) and 71.605 of the
10 statutes first applies to farmland preservation credits that are claimed for taxable
11 years beginning on January 1, 1996, and that are based on property taxes accrued
12 in the previous year.

13 (3) The treatment of section 91.73 (2) of the statutes first applies to exclusive
14 agricultural zoning ordinances adopted or amended on the effective date of this
15 subsection.

NOTE: Subsection (1) applies the exclusion of farmland preservation credits from the calculation of income and franchise taxes to taxable years beginning on or after January 1, 1996.

Subsection (2) provides that farmland subject to exclusive agricultural zoning may continue to receive farmland preservation credits under the current formula through 1995, after which the new formula for such credits applies.

Subsection (3) provides that the requirement for a county to establish a county agricultural preservation plan as a condition of adopting exclusive agricultural zoning first applies to zoning ordinances adopted or amended on the effective date of this act.

16 **SECTION 57. Effective dates.** This act takes effect on the day after
17 publication, except as follows:

